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03500.013834.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:)
HIROYUKI SHINBATA ET AL.)
Application No.: 09/396,740)
Filed: September 15, 1999)
For: IMAGE PROCESSING APPARATUS,)
IMAGE PROCESSING METHOD,)
AND RECORDING MEDIUM)

Examiner: S.M. Brinich OFFICE OF PETITIONS

Group Art Unit: 2624

September 23, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW FROM ISSUE
PURSUANT TO 37 C.F.R. § 1.313(c)

Sir:

Pursuant to 37 C.F.R. § 1.313(c), Applicants hereby petition to withdraw this application, in which the Issue Fee has been paid, from issue, for the consideration and entry of a Request for Continued Examination and Preliminary Amendment, both filed herewith.

10/29/2004 AKELLEY 00000023 09396740

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A check in the amount of \$130.00 in payment of the petition fee under 37

C.F.R. § 1.17(h) is submitted herewith. Please charge any deficiency in this fee (and any other fee required in connection with this paper), and credit any overpayment, to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "L.P. Diana", written in dark ink.

Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

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SEP 27 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Hiroyuki Shinbata, et al.
Application No. 09/396,740
Filed: September 15, 1999
Attorney Docket No. 35.C13834

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed September 27, 2004.


The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid August 3, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (703) 305-9220.

After the application is received in the Office of Petitions, the file will be forwarded to Technology Center AU 2624 for further processing of the request for continued examination under 37 CFR 1.114 filed September 27, 2004.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above."

Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).